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10/784,450

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Martin Zilliacus

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EXAMINER

JAKOVAC, RYAN J

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/784,450	<b>Applicant(s)</b> ZILLIACUS ET AL.	
	<b>Examiner</b> RYAN J. JAKOVAC	<b>Art Unit</b> 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-19,22-34,36,38,39 and 41-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-19,22-34,36,38,39 and 41-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant alleges that the Examiner has failed to respond the Applicant's traversals and arguments, however, as indicated in the Office Action of 07/30/2009, "Applicant's arguments with respect to claims 1-3, 6-19, 22-34, 36, 38-39, 41-49 have been considered but are moot in view of the new ground(s) of rejection."

2. Applicant argues in summary that the claim construction set forth failed to enable the Applicant to review the merits of the case. However, this argument is not persuasive. The Examiner cited a portion of prior art (US 2005/0149622 to Kirkland) which discloses that priority level of a message is determined according to the subject of the message and that the messages are delivered and displayed to the recipient according to the priority level. Applicants claim 11 recites limitations directed towards determining the priority, particularly, determining if there is display priority. The cited paragraph of the prior art clearly indicates display priority. In another instance, claim 12 comprises limitations directed towards prioritizing the display of the message when the message has display priority. Again, the passage from the prior art cited by the Examiner clearly indicates that messages are displayed according to priority levels.

3. Applicant argues in summary that the Examiner has not fully examined claims 2, 18, 38, and 48. However, these claims are properly rejected as set forth on pg. 5 of the Office Action of 07/30/2009. Regarding the Markush grouping, the claims are properly rejected since the combination of Outlook and Hardt discloses directing receipt of generic-recipient messages chosen from the group of messages consisting of a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic mail (email) message and voice

message. As previously cited, Outlook discloses directing receipt of, for instance, an email message and therefore the claims in question are properly rejected.

4. Applicant argues in summary that the combination of Outlook and Hardt do not disclose determining a type of communication medium of the message. However, Outlook explicitly discloses that messages are determined to be email messages. Outlook clearly discloses that the received email is identified as well as assigned priority (Outlook, pg. 97, the recipient is alerted to the presence of an email message as well as the importance associated with the message.).

5. Applicant argues the combination of Outlook and Hardt does not disclose determining one or more recipients for the message based at least in part upon the determined type. However, the Examiner respectfully disagrees. Outlook clearly discloses that based on the determined type (i.e. a group distribution message) the server determines recipients for the message (Outlook, pg. 55.).

6. Applicant argues in summary that the combination of Outlook and Kirkland does not disclose prioritizing the communication medium. However, the Examiner respectfully disagrees. The communication medium is email. Outlook prioritizes email. See at least Outlook, pg. 97. Kirkland also discloses prioritizing the message if a determination is made that the message has priority. Kirkland, in the abstract discloses that priority level of a message is determined according to the subject of the message and the messages is delivered and displayed to the recipient according to the priority level.

7. Applicant argues in summary that the combination of Outlook and Hardt do not disclose directing receipt of a generic-recipient message by a network hub, wherein the generic-recipient message comprises a message sent to a group or community address. However, the Examiner

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respectfully disagrees. Outlook clearly discloses an email sending system that sends (i.e. directs the receipt of) distribution list emails (i.e. generic recipient message sent to a group/community address).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 7, 9, 18, 22, 25-27, 36, 38-39, 44, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Outlook 97 (hereinafter Outlook) in view of US 2005/0114453 to Hardt.

Regarding claim 1, 22, 25, 36, Outlook teaches a method comprising:

directing receipt of a generic-recipient message by a network hub, wherein the generic-recipient message comprises a message sent to a group or community address (Outlook, pg. 86, 157-159, message sending using personal distribution list.);

determining predefined attributes of the message, wherein the predefined attributes comprise one or more of a sender of the message, subject of the message, or content of the

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message (Outlook, pg. 86, 157-159, sender of the message is determined as messages are routed through the server.);

determining a type of communication medium of the message (Outlook, pg. 55, 86, 157-159, server determines message to be outgoing email. Message is determined to be a distribution group email message. Message is determined to be of an importance type.);

determining one or more recipients for the message based at least in part upon the determined type (Outlook, pg. 55, Based on the determined type (i.e. a group distribution message) the server determines recipients for the message. The importance level is assigned to the recipients email and marked by importance indicators.) and

Outlook does not expressly disclose, but Hardt discloses determining one or more recipients for the message further based at least in part upon the predefined attributes by comparing the predefined attributes of the message with stored information related to potential recipients (Hardt, [0022], [0068], the message is routed to recipients based on analysis of the title or body of the message. Rule based processing is used in accordance with recipient addresses and user account information.); and

Outlook discloses directing dispatch of the message to the one or more determined recipients (Outlook, pg. 157-159, email distributed based on distribution group membership.).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Hardt with the teachings of Outlook in order to route messages based on attributes of the message such as the title or the body to specific recipients with a specialization in a particular area (Hardt, [0068].).

Regarding claim 2, 9, 18, 26, 38, 44, 48, the combination of Outlook and Hardt teaches the method of claim 1, where receiving receipt of a generic-recipient message by a network hub further comprises directing receipt of a generic-recipient message, chosen from the group of messages consisting of a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic mail (email) message and voice message (Outlook, pg. 55, email, recipients of group distribution message. Pg. 97, recipient is alerted to the presence of an email message as well as the importance associated with the message.).

and wherein determining a type communication medium of the message comprises determining whether the message comprises a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic mail (email) message, or voice message (Outlook, pg. 55, 86, 157-159, server determines message to be email.).

Regarding claim 7, 27, the combination of Outlook and Hardt teaches the method of claim 1 and network hub device of claim 22, the combination of Outlook and Hardt does not expressly disclose wherein directing dispatch of the message to one or more recipients further comprises directing display of the message on a display.

However, it would have obvious to one of ordinary skill at the time of the invention to combine a display associated with the network hub that displays a message associated with a message identifier with the teachings of Outlook and Hardt since incorporating a display at the network hub amounts to applying a known technique to a known device ready for improvement to yield predictable results. See MPEP 2141.

Regarding claim 3, 19, 39, 49, the combination of Outlook and Hardt teaches the method of claim 10, the combination of Outlook and Hardt does not expressly disclose wherein directing receipt of a generic-recipient message at a network hub further comprises directing receipt of a message by a wireless network hub.

However, it would have obvious to one of ordinary skill at the time of the invention to combine receiving a generic-recipient message at a wireless network hub with the teachings of Outlook and Hardt since incorporating wireless technology amounts to applying a known technique to a known device ready for improvement to yield predictable results. See MPEP 2141.

10. Claims 10-17, 29, 30-34, 42, 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Outlook 97 (hereinafter Outlook) in view of US 2005/0149622 to Kirkland et al (hereinafter Kirkland).

Regarding claim, 10, 29, 45, the combination of Outlook and Kirkland teaches a method for prioritizing a generic recipient message at a network hub, the method comprising:

directing receipt of a generic-recipient message by a network hub, wherein the generic-recipient message is comprises a message sent to a group or community address (Outlook, pg. 86, 157-159, message sending using personal distribution list.);

determining predefined attributes of the message, wherein the predefined attributes comprise one or more of a sender of the message, subject of the message, or content of the



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message (Outlook, pg. 86, 157-159, sender of the message is determined as messages are routed through the server.);

determining a type of communication medium of the message (Outlook, pg. 97, messages are determined to be email messages, the recipient is alerted to the presence of an email message as well as the importance associated with the message. See also pg. 55, 86, 157-159.);

Outlook does not expressly disclose determining whether the message has priority based at least in part on the predefined attributes by comparing the predefined attributes of the message with pre- stored priority information; and prioritizing the message when a determination is made that the message has priority.

However, Kirkland discloses determining whether the message has priority based at least in part on the predefined attributes by comparing the predefined attributes of the message with pre- stored priority information; and prioritizing the message when a determination is made that the message has priority (Kirkland, abstract, priority level of a message is determined according to the subject of the message and the messages is delivered and displayed to the recipient according to the priority level.).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine determining whether the message has priority based at least in part on the predefined attributes by comparing the predefined attributes of the message with pre- stored priority information; and prioritizing the message if a determination is made that the message has priority as taught by Kirkland with the method of Outlook in order to determine message priority based on the subject of the message (Kirkland, abstract, fig. 7.).

Regarding claim 11, the combination of Outlook and Kirkland teaches the method of claim 10, wherein the step of determining whether the message has priority based on the predefined attributes further comprises determining whether the message has display priority based on the predefined attributes (Outlook, pg. 55, priority is displayed.).

Regarding claim 12, the combination of Outlook and Kirkland teaches the method of Claim 11, wherein prioritizing the message when a determination is made that the message has priority further comprises prioritizing the display of the message when a determination is made that the message has display priority (Kirkland, abstract. See also, fig. 8.).

Regarding claim 13, the combination of Outlook and Kirkland teaches the method of Claim 12, wherein prioritizing the display of the message when a determination is made that the message has display priority further comprises directing display of displaying the message in a prominent position on a display associated with the hub (Kirkland, abstract. See also, fig. 8.).

Regarding claim 14, the combination of Outlook and Kirkland teaches the method of Claim 10, wherein determining whether the message has priority based on the predefined attributes further comprises determining whether the message has dispatch priority based on the predefined attributes (Kirkland, abstract. See also, fig. 8. See also Outlook pg. 97.).

Regarding claim 15, the combination of Outlook and Kirkland teaches the method of Claim 13, wherein prioritizing the message when a determination is made that the message has

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priority further comprises prioritizing the dispatch of the message when a determination is made that the message has dispatch priority (Kirkland, abstract. See also, fig. 8. See also Outlook pg. 97.).

Regarding claim 16, the combination of Outlook and Kirkland teaches the method of Claim 15, wherein prioritizing the dispatch of the message when a determination is made that the message has dispatch priority further comprises prioritizing the communication medium used to dispatch the message when a determination is made that the message has communication medium dispatch priority (Kirkland, abstract. See also, fig. 8. See also Outlook pg. 97.).

Regarding claim 17, the combination of Outlook and Kirkland teaches the method of claim 15, wherein the step of prioritizing the dispatch of the message if a determination is made that the message has dispatch priority further comprises the step of prioritizing the time of dispatch of the message if a determination is made that the message has time dispatch priority (Outlook, pg. 97, 100, timed delivery options.).

Regarding claim 30, the combination of Outlook and Kirkland teaches the apparatus of Claim 29, wherein the processor is further configured to at least one memory and stored computer program code are configured to, with the at least one processor, further cause the apparatus to determine predefined attributes of the received generic-recipient message and compare the predefined attributes to pre-stored display priority information to determine if the received message requires display prioritization (Kirkland, abstract, fig. 8.).

Regarding claim 31, the combination of Outlook and Kirkland teaches the apparatus of Claim 30, further comprising a display associated with the apparatus that is configured to, under the direction of the at least one memory and stored computer program code, display message identifiers to one or more recipients (Kirkland, abstract. See also, fig. 8. See also Outlook pg. 97.).

Regarding claim 32, the combination of Outlook and Kirkland teaches the apparatus of Claim 30, wherein the processor is further configured to at least one memory and stored computer program code are configured to, with the at least one processor, further cause the apparatus to provide for display prioritization to be chosen from the group consisting of displaying prioritized messages first in a list of messages, displaying prioritized messages in a new viewable window and displaying prioritized messages in a highlighted form (Kirkland, abstract. See also, fig. 8.).

Regarding claim 33, the combination of Outlook and Kirkland teaches the apparatus of Claim 29, wherein the processor is further configured to at least one memory and stored computer program code are configured to, with the at least one processor, further cause the apparatus to determine predefined attributes of the received generic-recipient message and compare the predefined attributes to pre-stored dispatch priority information to determine if the received message requires dispatch prioritization (Kirkland, abstract. See also, fig. 8. See also Outlook pg. 97.).

Regarding claim 34, the combination of Outlook and Kirkland teaches the apparatus of Claim 33, wherein the processor is further configured to at least one memory and stored computer program code are configured to, with the at least one processor, further cause the apparatus to provide for dispatch prioritization to be chosen from the group consisting of prioritizing the time at which messages will be dispatched, prioritizing the communication medium used to dispatch messages and prioritizing the recipients of the dispatched messages (Kirkland, abstract. See also, fig. 8. See also Outlook pg. 97.).

Regarding claim 42, the combination of Outlook and Kirkland teaches the computer program product of Claim 36, wherein the instructions configured for directing dispatch of dispatching the message to one or more recipients further comprise[[s]] instructions configured for directing display of displaying the message on a display associated with the network hub (Kirkland, abstract, fig. 8.).

Regarding claim 46, the combination of Outlook and Kirkland teaches the computer program product of Claim 45, wherein the instructions configured for directing storage of information related to message priority further comprise instructions configured for directing storage of information related to message display priority, and wherein the instructions configured for determining whether the generic-recipient message has priority further comprise instructions configured for determining whether the generic-recipient message has display priority by comparing the predefined attributes associated with the generic- recipient message to

the stored information related to message display priority (Kirkland, abstract. See also, fig. 8. See also Outlook pg. 97.).

Regarding claim 46, the combination of Outlook and Kirkland teaches the computer program product of Claim 45, wherein the instructions configured for directing storage of information related to message priority further comprise instructions configured for directing storage of information related to message dispatch priority, and wherein the instructions configured for determining whether the message has priority further comprise instructions configured for determining whether the message has dispatch priority by comparing the predefined attributes associated with the messages to the stored information related to message dispatch priority (Kirkland, abstract. See also, fig. 8. See also Outlook pg. 97.).

11. Claims 6, 8, 23-24, 28, 41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Outlook and Hardt and further in view of US 6,912,398 to Domnitz.

Regarding claim 8, the combination of Outlook and Hardt teaches the method of claim 7. The combination of Outlook and Hardt does not expressly disclose wherein directing display of the message on a display further comprises directing display of the message on a display associated with a radio frequency (RF) identifier.

However, Domnitz discloses wherein directing display of the message on a display further comprises directing display of the message on a display associated with a radio frequency

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(RF) identifier (Domnitz, col. 5:30-50, fig. 1-3, displays associated with radio frequency identifiers.).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the step of displaying the message on a display further comprises displaying the message on a display associated with a radio frequency (RF) identifier as taught by Domnitz with the combination of Outlook and Hardt provide information to individuals based on their time and location (Domnitz, abstract, 5:30-50.).

Regarding claim 6, 28, 41, the combination of Outlook and Hardt teaches the network hub device of claim 27. The combination of Outlook and Hardt does not expressly disclose wherein directing dispatch of the messages to one or more recipients further comprises assigning recipient Radio Frequency (RF) identifiers to the message, wherein a recipient Radio Frequency identifier corresponds to a radio frequency tag or a radio frequency tag reader associated with a recipient of the message identifier is further defined as a Radio Frequency (RF) identifier.

However, Domnitz discloses assigning recipient Radio Frequency (RF) identifiers to the message, wherein a recipient Radio Frequency identifier corresponds to a radio frequency tag or a radio frequency tag reader associated with a recipient of the message identifier is further defined as a Radio Frequency (RF) identifier (Domnitz, col. 6:45 to 7:30. See also fig. 1.).

Regarding claim 43 the combination of Outlook and Hardt teaches the computer program product of claim 42.

Domnitz teaches wherein the instructions configured for directing display of the message on a display associated with the network hub further comprises fourth instructions configured for directing display of the message, which is associated with a Radio Frequency (RF) identifier, on a display associated with the network hub (Domnitz, fig. 1, email, PDA, pc, or cell phone display messages associated with a radio frequency identifier on displays associated with a network hub.).

Regarding claim 23, the combination of Outlook and Hardt teaches the apparatus of claim 22. Domnitz teaches wherein the at least one memory and stored computer program code are configured to, with the at least one processor, cause the apparatus to direct dispatch of the message by directing dispatch of the message to one or more determined recipients via lower power RF (Domnitz, fig. 1.).

Regarding claim 24, the combination of Outlook, Hardt, and Domnitz teaches claim 22, wherein the at least one memory and stored computer program code are configured to, with the at least one processor cause the apparatus to direct dispatch of the message directing dispatch of the message to one or more determined recipients by directing dispatch of the message to one or more determined recipients via a digital cellular network (Domnitz, fig. 1.).

### ***Conclusion***

**12. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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